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EXAMINER

STORM, DONALD L

ART UNIT PAPER NUMBER

2654

DATE MAILED: 10/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/653,382

Applicant(s)

PECHTER ET AL.

Examiner

Donald L. Storm

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 10-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Appropriate correction is required. The specification should teach the following claimed subject matter:

The specification does not adequately describe what the Applicant intended for the following claimed subject matter: playing the selected sound file (claim 7). This limitation recites a second step of playing a sound file, because a sound file of a word is also played according to the limitation found in claim 1. Page 13 of the specification discusses only playing one sound file or another in the alternative, not playing two sound files.

The Examiner was unable to find any description in the specification that is clearly related to playing two sound files. This feature and any feature of the invention should be apparent in the descriptive portion of the specification with clear disclosure as to its import, and where possible, it should be identified in the descriptive portion of the specification by reference to the drawing, designating the item or items therein to which the term applies. This is necessary in order to insure certainty in construing the claims in the light of the specification.

#### ***Claim Informalities***

3. Claim 1, and by dependency claims 2-3 and 7-12, are objected to under 37 CFR 1.75(a) because the meaning of the phrase "the word" (three occurrences) needs clarification. Because both (1) a word that is compared to a list of pre-recorded words and (2) a word that is not found

on the list of pre-recorded words are previously recited, it may be unclear as to what element this phrase refers. To further timely prosecution and evaluate prior art, the Examiner has interpreted this phrase to refer to --the compared word--.

4. Claim 7 is objected to under 37 CFR 1.75(a) because the meaning of the phrase "the word" (two occurrences) needs clarification. Because (1) a word that is compared to a list of pre-recorded words (in claim 1), (2) a word that is not found on the list of pre-recorded words, (3) a word that is compared to a list of homographs, and (4) a word that is on the list of homographs are all previously recited, it may be unclear as to what element this phrase refers. Because the comparing step in claim 7 is taught on page 13 and Fig. 1 as occurring first, the Examiner has considered the comparing step of claim 7 as --first comparing--. To further timely prosecution and evaluate prior art, then the Examiner has interpreted this phrase to refer to --the first compared word--.

5. Claim 8 is objected to for the same reasons as claim 1 because the limitations are recited using obviously similar phrases (four occurrences).

6. Claim 9, and by dependency claims 10-12, are objected to for the same reasons as claim 1 because the limitations are recited using obviously similar phrases (one occurrence).

7. Claims 10-12 and 13-15 are objected to as being (directly or indirectly) dependent upon a rejected base claim. See MPEP § 608.01(n)V. The claim(s) would be allowable over the prior art of record if rewritten to include all of the limitations of the base claim and any intervening

claims. The claims should also be rewritten to overcome any objections, especially as appearing in this Office action. Certain assumptions that make the limitations clear have been considered for the claims, as described next or elsewhere in this Office action.

8. The Examiner notes, without objection, the possibility of informalities in the claims. The Applicant may wish to consider changes during normal review and revision of the disclosure.

In claim 1, the limitation sets forth a word that is not found on the list. Does the Applicant intend that this word that is not found on the list is the same word that is compared to a list of words or can it be any word of the plurality that is not found on the list? Does a search for the word have to occur to find it? Can the Applicant indicate a specific part of the specification for the Examiner to better understand this claim element?

### ***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claims 7, 8, and 16-20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

11. Nothing in the disclosure as originally filed supports the subject matter of claim 7 by providing a description of the subject matter of (1) playing another sound file and (2) a combination of criteria that result in two sounds being played if two criteria are tested and both are satisfied. Based on the test in claim 1, a sound plays. Either the combined sound files corresponding to diphones or the sound file corresponding to a word plays, but only one plays because the event criteria are mutually exclusive. That is, either the word of the criterion is not on the list or it is on the list. If a different criterion is met in claim 7, a sound file is selected, and it plays.

The original disclosure does not clearly allow persons of ordinary skill in the art to recognize that the Applicant invented at that time what is now claimed. The disclosure [at Fig. 1 and page 13, lines 3-9] discusses criteria that result in only one sound file or combination of files being played. Playing two sound files or combinations of files are not discussed. The Examiner does not find a discussion of the claimed features and their relationships anywhere in the disclosure as filed.

Although the written description requirement can be satisfied either by “express” or “inherent” disclosure, even inherent disclosure must make the Applicant’s possession of claimed invention obvious. The written description requirement thus cannot be satisfied by remaining entirely silent on a claimed embodiment.

12. Nothing in the disclosure as originally filed supports the subject matter of claim 8 by providing a description of the subject matter of (1) audibly spelling a word and (2) a criterion that results in both audible output of spelling and playing a sound file if the criterion is tested and is not satisfied. Based on the test in claim 1, a sound plays. Either the combined sound files

corresponding to diphones or the sound file corresponding to a word plays, but only one plays because the event criteria are mutually exclusive. That is, either the word of the criterion is not on the list or it is on the list. According to claim 8, if the word is not on the list, both (1) the combined sound files corresponding to diphones play and (2) the word is audibly spelled.

The original disclosure does not clearly allow persons of ordinary skill in the art to recognize that the Applicant invented at that time what is now claimed. The disclosure [at Fig. 1 and page 13, lines 3-9] discusses criteria that result in only one sound file or combination of files being played. Playing two sound files or combinations of files are not discussed. The Examiner does not find a discussion of the claimed features and their relationships anywhere in the disclosure as filed.

Although the written description requirement can be satisfied either by “express” or “inherent” disclosure, even inherent disclosure must make the Applicant’s possession of claimed invention obvious. The written description requirement thus cannot be satisfied by remaining entirely silent on a claimed embodiment.

13. Nothing in the disclosure as originally filed supports the subject matter of claim 16 using the same rationale as applied to claim 7 and to claim 8 because the limitations are recited using obviously similar phrases.

As currently set forth, the criterion “in the event that the first word is not on the list of homographs” results only in a comparing step. As currently set forth, the criterion “in the event that the first word is on the list of homographs” results in playing a sound file. The method also plays one of (1) the combined sound files or (2) a sound file corresponding to the first word

depending on mutually exclusive statuses of the criterion related to the list of pre-recorded words.

14. Claims 17-20 inherit the problems of claim 16 by dependency.

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Johnson and Hutchins and Page**

16. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. [US Patent 5,787,231] in view of Hutchins [US Patent 5,384,893], already of record, and Page et al. [US Patent 6,175,821].

17. Regarding claim 1, Johnson [at title] describes producing speech in an embodiment recognizable as a whole to one versed in the art by explicitly describing the content and functionality of the recited limitations as the following terminology:



parsing a sentence into words [at column 5, line 19, as extract words for the textual source];

comparing at least one word to a list of words [at column 2, lines 57-59, as comparing text with a customizable (overriding) dictionary];

the list is of pre-recorded words [at column 4, lines 6-9, as a wave file of a word is ready to be sounded];

in the event the word is on the list of pre-recorded words, playing a sound file corresponding to the word [at column 5, lines 22-26, if a word was found in the dictionary, place it on the work queue with the associated wave file of word pronunciation and at column 5, line 57, as play the wave file].

in the event that a word is not found on the list of pre-recorded words, playing a combined sound file [at column 5, lines 26-28, as if the word is not found in the dictionary, place the word string itself in the work queue and at column 5, lines 55-56, as play the word string phonetically].

However, Johnson does not provide the details of any phonetic synthesis method that would play the sound phonetically. In particular, Johnson does not explicitly describe dividing the word into diphones, combining, and playing sound files corresponding to diphones.

Hutchins [at abstract] describes a text to speech embodiment such as could be used for playing Johnson's word string phonetically. Hutchins describes:

parsing a sentence into punctuation and words [see Fig. 1, items 1005, 1010, 1020, 1030, 1060, 1040, 1050, and their descriptions, especially at columns 5-6 of parsing the grammatical role of an input text string terminating with a space or punctuation mark into parts of the sentence];

comparing at least one word to a list of prerecorded words [see Fig. 1, items 1010, 1020, Table I, and their descriptions especially at columns 8-9 of a word dictionary prepared in advance];

in the event that a word was not found on the list, dividing the word into diphones [see Fig. 1, items 1010, 1020, 1060, 1070, 1080, 1110, and their descriptions especially at columns 6-7 of translating text character strings into words and converting the string on a diphone-by-diphone basis];

and combining sound files of the diphones [see Fig. 1, Items 1110, 1120, 1130, and their descriptions especially at columns 7-8 of running together stored diphone waveforms];

and playing the combined sound files [see Fig. 1, items 1020, 1110, 1120, 1130, Speech Output, and their descriptions especially at column 1 and column 8 of D/A conversion to sound of stored diphone waveforms that were converted words and were run together].

The discussion by Johnson requires a method for converting text to speech, but merely any conventional method. Hutchins provides a conventional method. Accordingly, an artisan would be motivated to find known text to speech generators in order to implement Johnson's method of playing word strings. Hutchins describes such a method, and Hutchins [at column 20, lines 48-57] points out that diphones are a preferred basic unit of synthesis to provide quality speech. Because a text-to-speech system is needed to implement Johnson's synthesis using phones, and Hutchins describes a suitable system, implementing Hutchins's methods in Johnson's system would have been obvious to one of ordinary skill in the art of speech processing at the time that the invention was made because using the diphones results in much higher quality speech that can be achieved by phoneme-based synthesis with manageable memory requirements on personal computers.

Neither Johnson nor Hutchins specifically addresses arrangements for pre-recorded word sound files stored with phoneme or diphone sound files. In particular, neither explicitly describes that pre-recorded word sound files and diphone sound files are independent of each other.

Like Johnson and Hutchins, Page [at column 4, lines 5-7] describes text to speech conversion for synthesis of speech by representing words phonetically and playing sound files of diphones. Page also describes:

pre-recorded word sound files [see Fig. 1, item 3 and its description, especially at column 2, lines 25-26, as a phrase from a recording of a voice];

sound files corresponding to diphones [see Fig. 1, item 4 and its description, especially at column 6, lines 40-41, as diphone waveforms for the text to speech synthesizer];

word sound files being independent of the sound files corresponding to diphones [see Fig. 1, items 3, 4, and their descriptions, especially at column 4, lines 4-8, as recordings of phrases stored in ROM and a diphone dictionary with the text to speech synthesizer].

Neither Johnson nor Hutchins provides details of the acquisition and storage of the diphone sound files. In particular, those references do not explicitly say that the spoken word and phrase files are independent of the sound files corresponding to the diphones. Page provides diphone files that are provided with a conventional text to speech synthesizer, and Page then provides a method to reduce discontinuities that result when the conventional diphone waveforms are combined with recorded speech. To the extent that Johnson's and Hutchins' different word/phrase sound files and phoneme/diphone sound files are not necessarily independent, it would have been obvious to one of ordinary skill in the art of speech synthesis at the time of invention to include the concepts described by Page at least by using independent

phrase sound file and diphone sound files because the diphone sound files can be obtained with a conventional synthesizer more readily than they can be created anew.

18. Regarding claim 2, Hutchins also describes:

adding inflection to a word according to punctuation of the sentence [see Fig. 1, items 1080, 1090, 1100, 1110, and their descriptions, especially at column 7 and column 18 of interpreting punctuation and converting the string into prosody on a diphone by diphone basis to change the stress, rhythm, and pitch of certain words].

19. Regarding claim 3, Hutchins also describes:

comparing combinations of letters in the word to a database of diphones [see Fig. 1, items 1080, 1090, 1100, 1110, Table IV and their descriptions, especially at column 17 of searching strings of phonetic characters in the diphone inventory].

**Hutchins and Chang**

20. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchins [US Patent 5,384,893], already of record, in view of Chang et al. [US Patent 6,148,285].

21. Regarding claim 4, Hutchins [at abstract] describes a text to speech embodiment recognizable as a whole to one versed in the art by explicitly describing the content and functionality of the recited limitations as the following terminology:

providing a letter to phoneme rules database containing phonetic representations of a predetermined group of words [see Fig. 1, item 1020 and its description, especially at column 8,

lines 38-47, as the word dictionary containing phonetic transcriptions of word lists prepared in advance];

parsing a sentence into punctuation and words [see Fig. 1, items 1005, 1010, 1020, 1030, 1060, 1040, 1050, and their descriptions, especially at columns 5-6 of parsing the grammatical role of an input text string terminating with a space or punctuation mark into parts of the sentence];

dividing the words into diphones based on combinations of letters in the letter to phoneme rules database [see Fig. 1, items 1010, 1020, 1060, 1070, 1080, 1110, and their descriptions especially at columns 6-7 of translating text character strings into words by searching the word dictionary and converting the string on a diphone-by-diphone basis];

combining sound files of the diphones [see Fig. 1, Items 1110, 1120, 1130, and their descriptions especially at columns 7-8 of running together stored diphone waveforms];

playing the combined sound files [see Fig. 1, items 1020, 1110, 1120, 1130, Speech Output, and their descriptions especially at column 1 and column 8 of D/A conversion to sound of stored diphone waveforms that were converted words and were run together].

Hutchins [at columns 8-9] provides a conversion of text to tags, and then to phonemes, and provides some groups of letters for phonemes. Hutchins does not explicitly describe each letter of each word in the group being represented by a corresponding phoneme.

Chang [at column 1] also provides a method of synthesizing transcriptions of words, and Chang describes:

providing a letter to phoneme rules database containing phonetic representations [at column 1, lines 14-15, as the International Phonetic Alphabet (IPA) data bank of symbols for letters];

each letter of each word in the group being represented by a corresponding phoneme [at column 1, lines 13-16, as searching out the IPA symbol for every individual letter of a word];  
and

the phoneme for a particular letter being determined based on letters that precede and succeed the particular letter [at column 1, lines 9-16, as searching out the rules signs and IPA symbol for every individual letter of the word subject to neighboring letters].

Chang [at column 1, lines 40-50] points out that IPA matching for every letter individually subject to neighboring letters greatly improves synthesizing speed and saves much computer space. Because of that motivation provided by Chang, it would have been obvious to one of ordinary skill in the art of speech synthesis at the time of invention to include the concepts described by Chang, at least of matching every individual letter to a phoneme with Hutchins to improve the speed and save space.

22. Claim 5 sets forth additional limitations similar to limitations set forth in claim 2.

Hutchins describes the additional limitations as indicated there.

23. Regarding claim 6, Chang also describes:

comparing combinations of letters in each of the words to combinations of letters in the phoneme rules database [at column 1, lines 9-16, as searching out the rules signs for letter series of the word from a rules chart subject to the location of letter series in the word].

Johnson and Hutchins and Page and Chang

24. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. [US Patent 5,787,231] in view of Hutchins [US Patent 5,384,893], already of record, Page et al. [US Patent 6,175,821], and Chang et al. [US Patent 6,088,666].

25. Regarding claim 9, Johnson, Hutchins, and Page describe and make obvious the included claim elements as indicated elsewhere in this Office action. Hutchins [at columns 8-9] provides a conversion of text to tags, and then to phonemes, and provides some groups of letters for phonemes. Hutchins does not explicitly describe each letter of each word in the group being represented by a corresponding phoneme.

Chang [at column 1] also provides a method of synthesizing transcriptions of words, and Chang describes:

providing a letter to phoneme rules database containing phonetic representations [at column 1, lines 14-15, as the International Phonetic Alphabet (IPA) data bank of symbols for letters];

each letter of each word in the group being represented by a corresponding phoneme [at column 1, lines 13-16, as searching out the IPA symbol for every individual letter of a word];  
and

the phoneme for a particular letter being determined based on letters that precede and succeed the particular letter [at column 1, lines 9-16, as searching out the rules signs and IPA symbol for every individual letter of the word subject to neighboring letters];

dividing a word based on combinations of letters in the phoneme rules database [at column 1, lines 9-16, as searching out the rules signs for letter series of the word from a rules chart subject to the location of letter series in the word].

Chang [at column 1, lines 40-50] points out that IPA matching for every letter individually subject to neighboring letters greatly improves synthesizing speed and saves much computer space. Because of that motivation provided by Chang, it would have been obvious to one of ordinary skill in the art of speech synthesis at the time of invention to include the concepts described by Chang, at least of matching every individual letter to a phoneme basing the division on combination of letters in a phoneme rules database, with Hutchins to improve the speed and save space.

#### *Allowable Subject Matter*

26. The Examiner believes that certain subject matter of the disclosed invention can be recited in the claims with sufficient definiteness to establish a clear boundary that distinguishes and makes it nonobvious over the prior art of record.

Prior art of which the Examiner is now aware does not teach or make obvious the combined conditions of (1) in the event that the first word is not on the list of homographs, comparing the first word to a list of pre-recorded words, and in the event that the first word is not on the list of pre-recorded words, playing the combined sound files (corresponding to the first word divided into diphones); and (2) in the event that the first word is not on the list of homographs, comparing the first word to a list of pre-recorded words, and in the event that the first word is on the list of pre-recorded words, playing a sound file corresponding to the first



word, when these combined conditions are considered as a whole with the other subject matter limitations of claim 16.

***Response to Arguments***

27. The prior Office action, mailed March 2, 2004 (paper 3), objects to the title, abstract, specification, and claims, and rejects claims under 35 USC § 102, citing Hutchins. The Applicant's arguments and changes in AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111 filed July 7, 2004 have been fully considered with the following results.

28. With respect to objection to the title, the changes entered by amendment are sufficiently descriptive. Accordingly, the objection is removed.

29. With respect to objection to the abstract, the changes entered by amendment are sufficiently descriptive. Accordingly, the objection is removed.

30. With respect to objection to the specification's containing potentially active hyperlinks, the changes entered by amendment deactivate the hyperlinks. Accordingly, the objection is removed.

31. With respect to objection to those claims needing clarification, the changes entered by amendment provide clear descriptions of the claimed subject matter. Accordingly, the objections are removed. Please see new grounds of objection.

32. With respect to rejection of claims 1-3 under 35 USC § 102, citing Hutchins, the changes entered by amendment include the word-corresponding sound file being independent of the sound files corresponding to the plurality of diphones.

The reference Hutchins does not explicitly describe that limitation. Accordingly, the rejections are removed. The Applicant's assertions with respect to Hutchins have been considered, but they are moot in view of the new claim element. Please see new grounds of rejection applied to address the new claim element: playing a sound file corresponding to the word, the sound file being independent of the sound files corresponding to the plurality of diphones.

33. With respect to rejection of claims 4-6 under 35 USC § 102, citing Hutchins, the changes entered by amendment include each letter of each word being represented by a phoneme.

The reference Hutchins does not explicitly describe that limitation. Accordingly, the rejections are removed. The Applicant's assertions with respect to Hutchins have been considered, but they are moot in view of the new claim element. Please see new grounds of rejection applied to address the new claim element: each letter in a predetermined group of words, which are phonetically represented in a database, being represented by a corresponding phoneme.

*Conclusion*

34. The following references here made of record are considered pertinent to applicant's disclosure:

Busardo [US Patent 6,148,285] plays a word file recorded by a person, if the recorded file for the word exists, or otherwise plays files of allophones derived from recorded word files. .

35. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

36. Any response to this action should be mailed to:

**Mail Stop AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**or faxed to:**

(703) 872-9306, (for formal communications; please mark "EXPEDITED PROCEDURE")


**Or:**

(703) 872-9306, (for informal or draft communications, and please label "PROPOSED" or "DRAFT")

Patent Correspondence delivered by hand or delivery services, other than the USPS, should be addressed as follows and brought to U.S. Patent and Trademark Office, 220 20th Street S., Customer Window, **Mail Stop AF**, Crystal Plaza Two, Lobby, Room 1B03, Arlington, VA, 22202

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Storm, of Art Unit 2654, whose telephone number is (703) 305-3941. The examiner can normally be reached on weekdays between 8:00 AM and 4:30 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: [ebc@uspto.gov](mailto:ebc@uspto.gov). For general information about the PAIR system, see <http://pair-direct.uspto.gov>.

  
Donald L. Storm  
October 4, 2004

  
RICHEMOND DORVIL  
SUPERVISORY PATENT EXAMINER